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12 *Attorney for Petitioner Tony Hines

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
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16 Tony R. Hines,

17 Petitioner,

18 v.

19 Brian Williams, *et al.*,

20 Respondents.
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Case No. 2:19-cv-01465-APG-VCF

**Unopposed motion for extension of
time to file First Amended Petition**

(First Request)

ORDER

POINTS AND AUTHORITIES

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2 1. On April 4, 2019, this Court docketed Petitioner Tony Hines's *pro se* 28
3 U.S.C. § 2254 petition. ECF No. 1. On February 2, 2020, this Court appointed the
4 Federal Public Defender to represent Hines. ECF No. 15. On March 16, this Court
5 issued a scheduling order setting July 14, 2020. ECF No. 16.

6 2. Counsel for Hines requests a first extension of time of 62 days to file the
7 first amended petition to Monday, September 14, 2020. Counsel's workload, the
8 pandemic, and difficulty obtaining court records have prevented counsel from
9 meeting the current deadline.

10 3. Counsel has begun working on Hines's case. Counsel has spoken to Mr.
11 Hines in depth about the case and has begun reviewing the record. However, counsel
12 has had difficulty obtaining some of the court records in his case. Hines's conviction
13 is old and some records are not available electronically. This office has ordered the
14 relevant records and has diligently followed up on those requests. However, the office
15 is still waiting to hear back from court personnel on these requests. Counsel believes
16 the pandemic, which has resulted in court closures, has played a significant role in
17 the delayed response to these requests.

18 4. Complicating counsel's ability to finish the amended petition by the
19 current deadline has been the numerous administrative and managerial
20 responsibilities related to his position as Chief of the Non-Capital Habeas Unit. The
21 current pandemic has placed many demands on undersigned counsel's time. Over the
22 past two months, counsel has had the responsibility of developing protocols for the
23 unit with respect to many facets of our work, including such things as travel,
24 reopening, mail. Counsel has also been responsible for remotely training a new
25 attorney and two attorneys in our Reno office. All of these administrative and
26 managerial responsibilities have required a significant time investment, which has
27 interfered with undersigned counsel's ability to dedicate enough time to work on his

1 caseload. Undersigned counsel anticipates these responsibilities will continue during
2 the entire time the office must work remotely. While working remotely has been
3 feasible, there have been routine technological complications, making reviewing the
4 record and drafting pleadings complicated. Further, working remotely has been
5 challenging due to child-care issues.

6 5. Despite the administrative and managerial responsibilities, counsel has
7 retained a significantly large caseload, which recently increased with the departure
8 of a highly experienced attorney. Over the past three months, counsel has filed,
9 among other things, four cert. petitions, three state petitions, three motions for a
10 certificate of appealability, three replies to motions, an amended petition, and a
11 lengthy pardons board application. In addition, counsel, in his role as supervisor, has
12 had to review dozens of pleadings and provide consultation and support on numerous
13 other cases.

14 6. For these reasons, counsel is requesting an additional 62 days to file the
15 first amended petition.

16 7. On July 13, 2020, counsel for respondents, Chief Deputy Attorney
17 General Heather D. Procter, indicated by email respondents do not oppose this
18 request with the understanding that the lack of objection is not a waiver or concession of
19 any kind.

20 8. This motion is not filed for the purpose of delay, but in the interests of
21 justice, as well as in the interest of Hines. Counsel for Petitioner respectfully requests
22 that this Court grant this motion and order Petitioner to file the First Amended
23 Petition no later than September 14, 2020.


1 Dated July 13, 2020.

2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 /s/ Jonathan M. Kirshbaum
6 Jonathan M. Kirshbaum
7 Assistant Federal Public Defender

8 IT IS SO ORDERED:

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11 _____
12 United States District Judge
13 7/13/2020
14 Dated: _____
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